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BILL

TO

Regulate the Appointment, Duties, and Remuneration of Under Sheriffs in Ireland.

A.D. 1902.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Appointment of high sheriff not to be affected.

5 I. Nothing in this Act shall affect the appointment to the office of high sheriff, which shall continue to be made as heretofore.

Appointment of under sheriff.

2. After the *commencement of this Act* the Lord Lieutenant shall appoint a fit and proper person to the office of under sheriff in every county and county of a town or city to which this Act 10 applies, and such under sheriff shall no longer be appointed by the high sheriff. If the person then holding the office of under sheriff for any county, counties, or county of a town or city shall have held such office during the *two years* immediately preceding the *passing of this Act*, and shall be willing to accept the office of 15 under sheriff under this Act, the Lord Lieutenant shall appoint such person to the office of under sheriff of such county, counties, or county of a town or city. If such person shall refuse to accept such appointment the Lord Lieutenant shall appoint some other fit and proper person to be the under sheriff of such county or 20 county of a town or city. The first under sheriffs appointed under this Act shall perform the duties of under sheriff from the *first day of January* next after the commencement of this Act, and up to the said first day of January the under sheriffs existing at the time of the commencement of this Act shall perform the said 25 duties.

Tenure of office.

3. Every under sheriff appointed under the provisions of this Act shall hold such office and perform the duties thereof for the county or county of a town or city for which he shall be appointed

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until he shall die or resign or be removed for misconduct or incapacity by the Lord Chancellor, and whenever such office shall become vacant the Lord Lieutenant shall appoint a fit and proper person to the same.

Under sheriff to devote whole time to duties of office.

4. Every person appointed to the office of under sheriff shall be deemed to be an officer serving in the permanent Civil Service of the State, and shall be bound to devote his whole time to the duties of his office, provided that any under sheriff being an attorney or solicitor or holding any other office or appointment at the time of the *passing of this Act*, may, on accepting any such office of under sheriff, elect to continue to practice as an attorney or solicitor, or hold such office, anything in this Act to the contrary notwithstanding; but in the event of his so electing he shall not be entitled to any superannuation allowance or pension.

Powers and duties of under sheriff.

5. Every person who shall be appointed to the office of under sheriff for any county or county of a town or city shall have and exercise all the powers, jurisdictions, and authorities, and be subject to the like obligations as if he were an under sheriff acting under a deputation from the high sheriff previous to the passing of this Act.

Security.

6. Every person appointed to the office of under sheriff shall, before entering upon the duties of such office, give security for the due discharge of the duties of such office in such sum and in such manner as the Lord Chancellor, with the consent of the Treasury, may by order from time to time appoint.

Sums heretofore payable to high sheriff to be paid to under sheriff

7. All expenses, profits, or remuneration heretofore presentable to and receivable by any sheriff shall, after the commencement of this Act, be presented and paid to the under sheriff, and all fees, poundage, or remuneration heretofore leviable by or payable to any sheriff or under sheriff shall, after *the commencement of this Act*, be leviable by and payable to the under sheriff.

Pension

8. The Lord Lieutenant may, with the approval of the Treasury, grant to any under sheriff appointed under this Act, upon his retirement from office by reason of age or infirmity, a pension the amount of which shall be ascertained and determined in respect of his service in such office according to the principles of the Superannuation Act, 1859, and any Acts amending the same, and shall be subject, so far as they can apply, to the conditions and provisions of the said Act, such pension to be calculated upon the number of years he has served as under sheriff, *and to be payable out of moneys to be from time to time provided by Parliament.*

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Remuneration of under sheriff.

9. *The Treasury shall, out of such funds as may from time to time be provided by Parliament, make the following payments in each and every year :—*

(1.) *To the under sheriffs such sums as may be ascertained to be equivalent to the average expenses or sums for the three years immediately preceding the commencement of this Act paid by the sheriffs respectively to the under sheriffs on account of the execution of their office ;*

(2.) *And in addition such sums as may from time to time be ascertained as the actual expenses incurred and paid by the under sheriffs for stationery, scrivenery, printing, and postage, and in the carrying out of capital sentences upon criminals in the execution of their office, the amounts thereof to be ascertained in such manner as the Treasury may determine.*

Undersheriff to make returns.

10. Every under sheriff appointed under this Act shall, whenever required so to do, prepare, fill up, and transmit to the Chief or Under Secretary to the Lord Lieutenant or to such other person as the Chief or Under Secretary shall appoint, such schedules, returns, and information relating to the business transacted in his office as shall from time to time be required by the Chief or Under Secretary in accordance with the provisions in this Act contained.

Under sheriff to act in name of and be under same liability as high sheriff was heretofore.

11. Any under sheriff appointed under this Act shall perform the duties of his office, and act in the name of the high sheriff as heretofore, provided that if and whenever the office of high sheriff is vacant it shall be lawful for the under sheriff of the county in which such vacancy exists, and, notwithstanding such vacancy, to perform such duties and to act in his own name as if he were the high sheriff. The high sheriff shall not be liable for any act or thing done or omitted to be done by or under the direction of any under sheriff appointed in pursuance of this Act, but such under sheriff shall be and remain liable for the same to the same extent and in the same manner as the high sheriff would have been liable if this Act had not passed.

Clerk to under sheriff.

12. A clerk to each under sheriff shall be appointed to assist him in the discharge of his duties as under sheriff during such periods and subject to such regulations as may from time to time be prescribed by rules or orders to be made as herein-after provided. Every such appointment shall be made as follows :—

(*a.*) The appointment shall be made and determined by the under sheriff ;

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(*b.*) *Every clerk appointed under this Act shall be paid, out of moneys to be from time to time provided by Parliament, such salary and remuneration as the Treasury, with the concurrence of the Lord Chancellor, shall direct, having regard to the duties of the office.* 5

Appointment of bailiff.

13. Every person discharging the duties of under sheriff shall be empowered by any writing under his hand to appoint a sufficient number of fit and proper persons, not exceeding such number as shall be from time to time approved by the county court judge, to be sheriff's officers to assist him, and at his pleasure to dismiss all 10 or any of them and to appoint others in their place, and every bailiff so appointed may be suspended or dismissed by any of the judges of His Majesty's High Court of Justice in Ireland or by the county court judge. Every sheriff's officer so appointed may serve or execute any process which by any Act passed or to be passed is 15 directed to be served or executed by the sheriff, and every sheriff's officer so appointed shall receive, in addition to the fees and allowances heretofore made and payable to bailiffs for service and execution of process, such salary as the Treasury may, with the sanction of the Lord Chancellor, fix. *Such salary shall be provided* 20 *and paid in the same manner as the salaries paid to officers for the service of civil bill processes are now provided and paid.*

Under sheriff to have benefit of Public Authorities Protection Act, 1893

14. Every under sheriff appointed in pursuance of this Act shall, in respect of any act done or omitted to be done or any neglect or default by him as such under sheriff, be entitled to the benefit 25 of the provisions of the Public Authorities Protection Act, 1893.

May be appointed to more counties than one.

15. It shall be lawful for the Lord Lieutenant as vacancies arise in the office of under sheriffs of counties or counties of towns or cities to appoint the same person to be under sheriff of any two or more such counties or counties of towns or cities. 30

Power to make rules.

16. The Lord Lieutenant in Council shall have power to make such rules and regulations as may be from time to time necessary for the purpose of carrying out this Act, and shall have power to alter or amend the same from time to time, and such rules and regulations shall have the effect of an Act of Parliament. 35

Short title and commencement of Act.

17. This Act shall come into operation on the *first day of December one thousand nine hundred and two*, and may be cited as the Under Sheriffs (Ireland) Act, 1902.

Extent of Act.

18. This Act shall only extend to Ireland.

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Under Sheriffs (Ireland).

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BILL

To regulate the Appointment, Duties, and Remuneration of Under Sheriffs in Ireland.

Mr. John Gordon,

supported by

Mr. Lonsdale, Mr. Field, and Sir John Colomb.

Ordered, by The House of Commons, *to be Printed,* 11 *April* 1902.

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